



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 3728 of 2019 and

W.M.P. (MD) No. 2929 of 2019

Abdul Kani

... Petitioner

Vs.

1. The District Registrar,
District Registrar Office,
Thanjavur.

2. The Sub Registrar,
Sub Registrar Office,
Ayyampettai,
Thanjavur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to register and release the sale deed dated 03.12.2018 executed by the petitioner and presented before the second respondent for registration within the time stipulated by this Court.

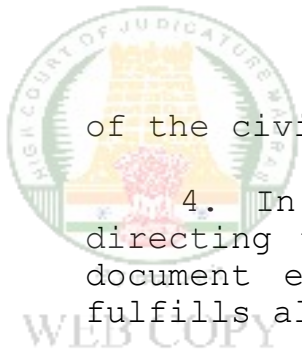
For Petitioner : Mr.B.Jameel Arasu
For Respondents : Mr.M.Murugan,
Government Advocate.

O R D E R

Heard the learned counsel on either side.

2. The Writ petitioner presented a document dated 03.12.2018 executed by him in favour of one Naseema Afrin W/o. Shahul Hameed. The second respondent declined to register the document principally for the reason that the suits concerning the property that is the subject matter of the sale deed are pending. They are O.S.No.18 of 2018 and O.S.No.31 of 2019 on the file of the Subordinate Court, Kumbakonam.

3. This Court posed a specific question to the learned Government Advocate as to whether any order of Interim Injunction has been granted in those suits restraining the registering authority from registering any document presented by the Writ petitioner herein. The learned Government Advocate fairly states that no restraint order has been passed by the civil Court. When there is no order of interim injunction passed against the Writ petitioner and the second respondent, the second respondent need not decline to register the document in question by citing the pendency



of the civil proceedings.

4. In this view of the matter, there shall be a direction directing the second respondent to register the petition mentioned document executed by the Writ petitioner provided the petitioner fulfills all the other statutory and legal formalities.

5. The Writ petition stands allowed, accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The District Registrar,
District Registrar Office,
Thanjavur.

2. The Sub Registrar,
Sub Registrar Office,
Ayyampettai,
Thanjavur District.

+1cc to Mr.B.Jameel Arasu, Advocate, SR.No.58753

+1cc to Special Government Pleader, SR.No.59258

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SP/08.04.2019/ 2P/5C